

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America

v.

TIMOTHY RAYMOND DENNEY

Defendant(s)

SEALED

Case No. 8:20MJ252

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 3, 2020 in the county of Knox in the
District of Nebraska, the defendant(s) violated:

Code Section

18 U.S.C. § 113(a)(6) & 1153

Offense Description

Assault Resulting in Serious Bodily Injury in Indian Country

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.☐ Sworn to before me and signed in my presence.☒ Sworn to before me by telephone or other reliable electronic means.Date: 5/13/2020City and state: Omaha, Nebraska*Complainant's signature*

SA Jeff Howard, FBI

*Printed name and title**Judge's signature*

Michael D. Nelson, U.S. Magistrate

Printed name and title

Complaint for TIMOTHY RAYMOND DENNEY Arrest Warrant

I, Jeffrey Howard, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed since January 31, 1999. Since July 2, 2007, I have been assigned to the Omaha, Nebraska, FBI Division. In the course of my official duties I am charged with the investigation of crimes occurring on the Indian Reservations of Nebraska, including the Santee Indian Reservation, located in Knox County, Nebraska, within the District of Nebraska.
2. The facts in this affidavit come from information obtained from my investigation, from my training and experience, and information obtained from other law enforcement agents and witnesses. This affidavit is intended only to show that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.
3. Based on my training and experience and the facts, as set forth in this affidavit, there is probable cause to believe that Timothy Raymond Denney (hereinafter "Denney"), a Native American male, has committed a violation of Title 18 U.S.C § 113(a)(6) & 1153, Assault Resulting in Serious Bodily Injury in Indian Country.

PROBABLE CAUSE

4. On May 4, 2020, Officer Marlin Mousseau, (hereinafter "Officer Mousseau"), Santee Sioux Nation Police Department, contacted the FBI to advise of an assault that occurred on May 3, 2020. Raenell (aka "Nellie") Dawn Tuttle, (hereinafter "Tuttle"), an enrolled member of the Oglala Sioux Tribe, was assaulted by Denney outside of a friend's residence located at 206 His Red Nation Street, Santee Sioux Nation Indian Reservation, Niobrara, Nebraska 68760.
5. Denney is a Native American male, date of birth January 25, 1985, and an enrolled member of the Santee Sioux Nation, according a certificate of Indian blood provided by the tribal enrollment officer, Roberta Redwing, on May 6, 2020.
6. According to a National Criminal Information Center check conducted on May 4, 2020, Denney is a convicted felon, with Social Security Number 485-08-2788.
7. Officer Mousseau, responded to the assault and documented in his police report dated May 3, 2020, that Tuttle and Denney got into an argument that began when Denney, walked past the residence of David Henry, Jr. (hereinafter "Henry"). Tuttle was standing outside the residence with Henry and Melissa Denney (hereinafter "Melissa"). Officer Mousseau reported that Denney punched Tuttle in the face, at least one time, resulting in a broken nose and facial skull fractures. Officer Mousseau further reported Tuttle was transported by ambulance to Avera Sacred Heart Hospital in Yankton, South Dakota, and

from Yankton, was flown to Avera McKennan Hospital and University Health Center, in Sioux Falls, South Dakota, due to the severity of Tuttle's injuries.

8. On May 5, 2020, your Affiant made telephonic contact with Denney who was being held at the Bureau of Indian Affairs jail in Wagner, South Dakota. Denney declined to be interviewed by your Affiant.
9. On May 6, 2020, your Affiant interviewed Tuttle via telephone because she was hospitalized at Avera McKennan Hospital. Tuttle stated she was outside Henry's residence, talking to Henry and Melissa, on May 3, 2020, between approximately 3:00 and 4:00 PM, when Denney walked by. Tuttle explained that Denney used to date Tuttle's cousin, and at some point in the past, the cousin had taken off with Tuttle's vehicle. After bringing up the topic of the car, Denney punched Tuttle in the left side of her face and eye, causing swelling and pain. Tuttle denied initiating the physical fight. Tuttle could only recall being punched once. Tuttle described herself as being "knocked out." Tuttle further stated she had been drinking beer at the time of the assault and estimated her level of intoxication to be a five on a ten scale. Tuttle stated she suffered a broken nose and a fractured eye orbit that would require surgery to repair.
10. On May 6, 2020, your Affiant interviewed Henry in person on the Santee Sioux Nation Indian Reservation. Henry stated he was outside his residence, 206 His Red Nation Street, on May 3, 2020, with Tuttle and Melissa, when they saw Denney walk by. Tuttle and Denney began talking, but Henry stated he was not paying attention to the topic of their conversation. Denney then punched Tuttle one time in the face with a fist, knocking Tuttle to the ground. Denney then walked down the street. Henry observed Tuttle to be bleeding from the nose, so Henry told Melissa to go into the house for a towel and some water so they could wipe Tuttle's face off. Henry asked Tuttle if she wanted him to call an ambulance or the police and Tuttle said she just wanted to go home. Henry then called Alyssa Rouillard, (hereinafter "Rouillard"), to bring her car to Henry's residence to transport Tuttle home. Henry stated he had been drinking beer at the time of the incident and estimated his level of intoxication to be an eight on a ten scale.
11. Also, on May 6, 2020, your Affiant interviewed Rouillard in person at the Santee Sioux Nation Indian Reservation clinic. Rouillard stated she did not see the assault but was called on her cell phone by Henry to give Tuttle a ride home after the assault occurred. Rouillard stated that before Henry called her Rouillard saw Denney walk past her house, which is two houses down from Henry's. Upon arrival at Henry's, Rouillard saw Tuttle's face to be swollen but did not see any blood. Rouillard transported Tuttle to Tuttle's home on the reservation with Melissa and Henry riding with them. Rouillard estimated this occurred between 2:00 and 3:00 PM.
12. Additionally, on May 6, 2020, your Affiant obtained medical records for Tuttle. Avera McKennan Hospital notes under History of Present Illness, dated May 4, 2020, state, "The patient... states she thinks she was hit in the face, maybe via fist, not sure. Her eyelid is swollen. She was then seen in the Yankton Emergency Room and found to have orbital fractures and was sent to the Avera McKennan in Sioux Falls." Later under

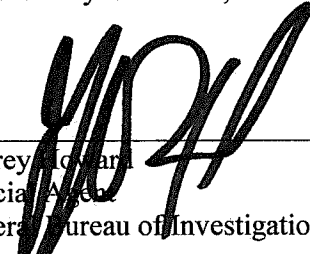
Physical Exam: Eyes, it notes: "CT scan, left retrobulbar hemorrhage with left inferior, superior and medial orbital wall fracture."

CONCLUSION

13. Your Affiant has probable cause to believe that on or about May 3, 2020, in Santee, Nebraska, within the exterior boundaries of the Santee Sioux Nation Indian Reservation, Denney committed a violation of Title 18 U.S.C § 113(a)(6) & 1153, Assault Resulting in Serious Bodily Injury in Indian Country.

14. It is requested an arrest warrant be issued for **TIMOTHY RAYMOND DENNEY**.

Respectfully submitted,




Jeffrey A. Moran
Special Agent
Federal Bureau of Investigation

Sworn to before me by reliable electronic means:

Date: 05/13/2020

City and State: Omaha, Nebraska



Michael D. Nelson, U.S. Magistrate Judge